

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 470 of 2005

Between:

K.Vanaja Kumari, w/o.K.Ramesh Babu,
Pushpa Mahila Podupu Sangham, (Dwacra) Eguva Machireddygar

Palli Village, Rachavetivaripalle Panchayat, Nimmanapalli Mandal,

Madanapalli Division, Chittoor Dist.

..... PETITIONER

AND

- 1 The Joint Collector, Chittoor District, Chittoor.
- 2 Sub-Collector, Madanapalli, Chittoor District.
- 3 The Mandal Revenue officer, Nimmanapalli Mandal, Chittoor District.
- 4 G.Swarnalatha, W/o.not known to the petitioner, fair price shop

No.24, Gundlaburuju village, Nimmanapalli Mandal, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction one in the nature of writ of Mandamus declaring the order dt.31-12-2004 issued by the 1st respondent herein as illegal, arbitrary and violative of Articles 14 and violative of principles of natural justice and contrary to the object of the control orders issued by the Government from time to time and pass such other order or orders.

Counsel for the Petitioner: MR.A.V.SESHA SAI

Counsel for Respondents 1 to 3: GP FOR CIVIL SUPPLIES

Counsel for RespondentNo.4:

The Court at the stage of admission made the following ORDER :

The fourth respondent was appointed as the dealer for shop No.24 of Gundlaburuju village, Nimmanapalli mandal, Chittoor district. The Mandal Revenue Officer, Nimmanapalli, the third respondent, stopped supplies to her, through his order dated 04.10.2002, even while her authorization was in force. The petitioner was appointed as a temporary dealer on the same day. Subsequently, the authorization of the fourth respondent was suspended, through orders dated 26.08.2003, by the second respondent and thereafter was cancelled through orders dated 30.04.2004.

Aggrieved by the order of cancellation, the fourth respondent preferred an appeal before the first respondent. Her appeal was allowed through order dated 31.12.2004. The petitioner challenges the same.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

Basically, the petitioner does not have any *locus standi* to challenge the order passed by the first respondent. The petitioner did not figure as a party to the appeal. The appointment of a fair price shop dealer on temporary basis was subject to the outcome of the appeal preferred by the fourth respondent. Secondly, the first respondent recorded findings to the effect that the allegations against the fourth respondent are trivial and frivolous in nature. He recorded those findings after verifying the record and hearing the parties. It is impermissible for this Court to re-appreciate the finding of facts.

In that view of the matter, the writ petition is dismissed. There shall be no order as to costs.

20.01.2005

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To

- 1 The Joint Collector, Chittoor District, Chittoor.
- 2 Sub-Collector, Madanapalli, Chittoor District.
- 3 The Mandal Revenue officer, Nimmanapalli Mandal, Chittoor District.
- 4 Two C.Cs. to the Government Pleader for Civil Supplies, High Court of A.P., Hyderabad, (OUT).
- 5 Two C.D. Copies.